

**AFFIDAVIT OF ANDREW K. FLETCHER**

Andrew K. Fletcher, being first duly sworn, deposes and states as follows:

1. I am outside counsel to FreightCar America, Inc., f/k/a Johnstown America Corporation (“Johnstown”).
2. Johnstown and Bral are parties to an Exclusive Supply Agreement with Bral dated May 1, 2004 (the “Exclusive Agreement”).
3. Bral alleges that Johnstown breached the Exclusive Agreement by purchasing certain parts from CMN Corporation.
4. Johnstown and Bral are currently engaged in negotiations to resolve this dispute.
5. The Complaint in Bral Corporation v. CMN Corporation, Case No: 07 C 7029, filed in the United States District Court, Northern District of Illinois, Eastern Division, (the “Complaint”) addresses the same facts and the same Exclusive Agreement that are at issue in Bral’s dispute with Johnstown.
6. Bral and its counsel have made clear to Johnstown that if the parties’ negotiations to resolve the dispute between Bral and Johnstown fall through, Bral will sue Johnstown claiming breach of the Exclusive Agreement.
7. Based on the information currently available to me, the above-referenced negotiations should be completed one way or the other in the next 60 days.
9. If Johnstown were to be joined as a party in Bral v. CMN, it would immediately object to venue in the Northern District of Illinois.

10. The basis for Johnstown's objection would be that the Exclusive Agreement provides that the exclusive venue for all litigation relating to the Exclusive Agreement shall be in the United States District Court for the Western District of Pennsylvania.

  
Andrew K. Fletcher

Subscribed to and sworn to before me

This 21<sup>st</sup> day of February, 2008

  
Notary Public

My commission expires: \_\_\_\_\_

